



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
July 17, 2014**

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Member Kim Mellen, Alternate Members Kevin Penders, Building Commissioner Bill Casbarra and Town Planner Sharon Wason

Chairman Forster opened the meeting at 7:00 p.m. in the Media Center of the Foxboro High School, 120 South Street.

7:00 p.m. Kevin Riley requests a Variance from Table 4-1, Dimensional Regulations for Residential Uses, to allow the construction of a 2 story residential addition within the side yard setback where 15 feet is required and 9.5 feet will be provided. The subject property, located at 6 Highland Circle is located in an R-40 Residential Zoning District and Zone II Water Resource Protection Overlay District. Mr. Penders recused himself from this hearing as he lives in the neighborhood. Mr. and Mrs. Riley were present and represented themselves. They are requesting a Variance for an addition to their home. They have lived in the neighborhood for thirteen years and their family has grown to three children so they are looking to expand their home. They would like to add a two-story addition with a garage underneath. Currently they have three bedrooms, but one is in the first floor, they would like to have all the bedrooms on the second floor. They will also be expanding the driveway. The shed on the property will be removed. There is ledge on one side of the property and the septic system is in the rear which is why they are putting the addition on the other side.

Mr. Riley also noted that there are two other homes in the neighborhood that have added second floors in recent years.

They will be rebuilding the second floor of the existing house to bring it up to the same level as the proposed addition and will use consistent materials on the outside.

Kevin Penders of 2 Highland Street noted that this is a 1950's neighborhood and that a number of the homes have built a second floor or a dormer. There are ledge and topography issues in the neighborhood. He thinks that the Riley's are good neighbors and is in support of this petition.

A letter against the petition was read into the record from John Zarella of 7 Sunrise Drive who is not a direct abutter.

A letter in support was included in the application from Doris Sheward of 8 Highland Circle who is a direct abutter.

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

Mr. Ovrut noted that the proposed addition will be consistent with others in the neighborhood and feels that the criterion for a Variance was met with the ledge and the irregular shape of the lot.

A motion to grant the requested Variance for 6 Highland Circle with conditions that the addition be as shown of the plans, the existing shed will be removed and the materials used will be similar to the existing home was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

Mr. Penders then rejoined the Board.

7:10 p.m. Fox Comm Way, LLC. requests a Comprehensive Permit pursuant to Chapter 40B of the Massachusetts General Laws to approve 20 detached single family homes, 25% of which will be affordable to household earning no more than 80% of the area median income. The property, known on Assessors Map 084 as Parcel 2060 is located at 8 Community Way. Mr. Forster noted that since this is a 40B application, a decision will be due within the next six months. The Board will be requesting assistance for Engineering and Legal help with the fees being paid for by the applicant. He informed the audience that there would be no decision rendered tonight and the applications and plans are available on the town website.

Town Planner Sharon Wason stated that she would ask for quotes and get written estimates from engineering firms BSC which the Planning Board uses and Beals and Thomas which the ZBA used for the last 40B project.

The applicant Fox Comm Way, LLC, Daniel Russell, was represented by Atty. Jeff Lovely and Engineer Bill Buckley of Bay Colony. Also present was Mike Jacobs of MHJ Associates who is an Affordable Housing Consultant and Ken Hyszcak Architect.

Mr. Jacobs started by explaining the 40B process in that the Zoning Board would be looking at all aspects of the application with input from other Boards in town. He also explained the state's need for Affordable Housing.

They are proposing twenty cottage style homes to meet the needs of seniors or those just starting out.

Mr. Buckley explained the site is located at Community Way and Cocasset Street and is on 5.6 acres. There is steep topography in the area and isolated wetlands. The wetland line has been confirmed by the Conservation Commission. They would like to construct twenty three-bedroom single family homes which will be located off of a large driveway of 1500 feet. The driveway will be twenty feet wide and they are not proposing any curbing or sidewalks. They will be using a country drainage swale system. The soil testing has been done. They are not proposing sewer at this time although it became an option as of July 1st due to the signing of the IMA by the Board of Water and Sewer Commissioners. The preliminary septic design has been completed and they will have a common septic system.

The stormwater will fall under the Wetlands Protection Act so standard catch basins and manhole systems will be used. They are also proposing water quality inlet stormceptors to clean the water before it is let out of the basins.

They are exploring the use of natural gas at it is available in the area.

Mr. Forster asked if the area is 100% permeable. Mr. Buckley stated it was not.

Mr. Hyszczak explained the two models of homes that will be available; one is a cottage style with 1,600 sq. ft., a single garage and three bedrooms. The master bedroom will be on the first floor with two bedrooms on the second floor. The second model is also 1,600 sq. ft. but has all three bedrooms on the second floor.

All the houses will be uniform, including the affordable units. The lots will be between 4,500 sq. ft. and 8,000 sq. ft. The affordable units will be spread throughout the property.

The common areas will be under a Homeowner's Association; these homes will be sold and will not be rental properties.

Town Planner Sharon Wason would like more details on the driveway. Mr. Buckley explained that it will be a Private Road maintained by the Homeowner's Association. The HOA fees on the affordable units will be pro-rated and based on the reduced price or the square footage whichever the state requires.

Carol Blais of 308 Cocasset Street asked if the homes are meant for downsizing or young families why do they have three bedrooms. She was told that many over 55 housing have three-bedroom units.

Robert Jacobsen of 320 Cocasset Street is concerned that the project will lower his property values and has concerns about the increased traffic in the school zone.

Letters were received from the Fire Department the Board of Health and the Conservation Commission and read into the record.

Jim Loible of 184 East Street had questions about the septic system, twenty years from now when the leaching fields fail will they be able to go in the same place or will they have to be moved.

Mary Ritcey of 3 Pratt Street stated that she already has problems with brown water and is afraid that adding more homes will have an impact on her water and water pressure.

Therese Fuller of 3 Fairbanks Road asked about the town's current affordable units. At one time it was at 8.6% but now it is only 8.1%. Ms. Wason explained that one affordable unit was sold on the open market after the owner tried to sell it at the affordable rate for 18 months it ended up being sold for less.

Ms. Wason stated that a housing trust could be used in the future to retain affordable units.

Ms. Blais of 308 Cocasset St. asked about the affordable units at the State Hospital. Ms. Wason explained that there are 18 units in total at Chestnut Green but some instead of building some of them the developer will be giving money to the town instead to be put towards the housing trust.

Sudha Sreevathsan of 1 Community Way feels that it will be a danger to not have sidewalks.

Deb Boyden of 2 Brandon Lane also questioned why there were no sidewalks.

Joe Derba of 2 Brandon Lane asked about the prices of these homes. They are proposed to sell between \$425,000 and \$450,000.

Ms. Fuller asked about the Housing Production Plan and if the town had any leeway since they are close to the 10% threshold.

Linda Derba of 2 Brandon Lane asked about the last 40b, Nadia Estates. That development has not been built.

Ray Fuller of 3 Fairbanks Road asked if blasting would be needed and is worried about damage to the nearby marsh and structural damage on his property.

Kim Kelly of 321 Cocasset Street is worried about her son having to cross the street to go to the middle school with no sidewalks.

The Board discussed taking a site walk to inspect the property themselves. This will be set up after an engineer is hired so they could also participate.

A motion to allow the Chairman, Town Planner and Building Commissioner to decide on an engineering firm to hire was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 3-0-0.

The Board would like the applicant to flag or stake out the center line of the proposed road for reference.

The Chairman informed the abutters that they would not receive any further mailings on this hearing but information would be posted on the town website. The ZBA meets the third Thursday of the month.

Mr. Buckley stated that he would not be available at the August and September meetings but would be providing written comments.

A motion to continue the hearing to August 21, 2014 was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 4-0-0.

GENERAL BUSINESS

The Board held their annual election.

A motion to nominate Mr. Forster as Chairman was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 4-0-0.

A motion to nominate Mr. Ovrut as Vice Chairman was made by Ms. Mellen and seconded by Mr. Forster. The motion carried 4-0-0.

A motion to nominate Ms. Mellen as Clerk was made by Mr. Ovrut and seconded by Mr. Forster. The motion carried 4-0-0.

A motion to approve the minutes from June 19, 2014 was made by Mr. Penders and seconded by Ms. Mellen. The motion carried 3-0-1 with Mr. Ovrut abstaining.

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk